IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1507 OF 2005

Lallansingh K. Singh ....Petitioner

Versus

The Metropolitan Authority
as constituted U/S 3 of the Mumbai
Metropolitan Regional Development
Authority Act, 1996 & Anr. ....Respondents

Mr.V. S. Kapse for the Petitioner
Mr.R. M. Sawant, Government Pleader, for the Respondents.

**CORAM : DALVEER BHANDARI, C.J. &**
**S.J. VAZIFDAR, J.**
**DATE : 1ST SEPTEMBER, 2005.**

**P.C.** :

The Petitioner admittedly had started squatting on the private land of Devidayal Compound, Opposite Ishwar Nagar, Bhandup (West), Mumbai-400 078. According to the Petitioner's own pleading, he had one structure having two separate entities. He has prayed in this Petition that the Respondents be directed to restore the

said structure.

2. Pursuant to the show cause notice issued by this Court, Gautam R. Gaikwad, Joint Director (R & R), Mumbai Urban Infrastructure Project, has filed an affidavit. In this affidavit, it is mentioned that for the project of road widening, the said land of Devidayal was acquired and since there were structures on the land, according to the policy, the Petitioner was given residential premises at Room No. 7 (Ground Floor), Building No.5, Kanjur Marg, Mumbai, vide allotment letter dated 5th July 2005. The Petitioner has accepted the said residential premises and now the Petitioner wants to be allotted a commercial premises also, merely on the basis that the structures were having two separate entities. It is not the case of the Petitioner that he had two separate structures, and therefore, he ought to have been allotted two separate structures. The Petitioner does not become entitled to two structures just because his structure, according to him, had two separate entities.

3. The case of the Petitioner has been carefully considered. Though the Petitioner was a rank trespasser and has been squatting on the land of Devidayal Compound but in consonance with the

policy of the State Government regarding the project-affected persons, apart from paying the compensation to the owner of the premises, the Petitioner was also rehabilitated by allotting a residential premises to him, which he has accepted. The Petitioner's claim for allotment of a commercial premises is totally untenable.

4. According to the policy of the State Government, they had allotted alternate accommodation to the Petitioner, which admittedly the Petitioner has accepted. Thus, the Petition is totally devoid of any merit and is accordingly dismissed.

**CHIEF JUSTICE**

**S.J. VAZIFDAR, J.**